

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO,

Plaintiff,

v.

CLOVIS TIRE & WHEEL DEALERS INC.,
et al.,

Defendants.

Case No. 1:23-cv-01170-SAB

ORDER GRANTING MOTION TO
CONTINUE MANDATORY SCHEDULING
CONFERENCE AND EXTENDING
DEADLINE TO COMPLETE SERVICE

(ECF Nos. 4, 5)

Plaintiff filed this action on August 4, 2023. An initial scheduling conference is currently set for November 16, 2023. (ECF No. 4.)

On October 26, 2023, Plaintiff filed a motion to continue the scheduling conference, and requesting the deadline to complete service be extended. (ECF No. 5.) Specifically, Plaintiff proffers that Plaintiff has diligently pursued completing service; that Plaintiff has been unable to complete service on Defendant Asim Ali; and that Plaintiff has completed substitute service on Defendant Clovis Tire & Wheel Dealers, Inc., but is additionally attempting service in another manner out of an abundance of caution to ensure service and notice is sufficient. Plaintiff requests the scheduling conference be continued to a date on or after January 15, 2023, and that the deadline to complete service be extended until December 15, 2023.

Rule 4(m) provides that: “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action

without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.* Here, the Court finds good cause to extend the deadline to effectuate service, and finds good cause to grant the request to continue the mandatory scheduling conference to accommodate the extension. Fed. R. Civ. P 4(m); Fed. R. Civ. P. 16(b).

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s motion to continue the scheduling conference and for an extension of time to complete service (ECF No. 5) is GRANTED;
2. The deadline for Plaintiff to complete service on Defendants is extended to **December 15, 2023**;
3. The scheduling conference currently set for November 16, 2023, is CONTINUED to **January 24, 2024**, at **11:30 a.m.** in **Courtroom 9**; and
4. The parties shall file a joint scheduling report **seven (7) days** prior to the scheduling conference.

IT IS SO ORDERED.

Dated: **October 26, 2023**


UNITED STATES MAGISTRATE JUDGE